

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.A. SCISSUM, Minor.

UNPUBLISHED
February 18, 2014

No. 318058
Berrien Circuit Court
Family Division
LC No. 2012-000123-NA

Before: SAWYER, P.J., and BORRELLO and BECKERING, JJ.

PER CURIAM.

Respondent-mother appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii) (parent deserted child for 91 or more days), (f) (child has a guardian and the parent failed to visit or contact the child and provide support for two or more years despite having the ability to do so), and (g) (failure to provide proper care and custody). We affirm.

"In a termination of parental rights proceeding, a trial court must find by clear and convincing evidence that one or more grounds for termination exist and that termination is in the child's best interests." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). "We review the trial court's determination for clear error." *In re VanDalen*, 293 Mich App 120, 139; 809 NW2d 412 (2011). "A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made." *In re HRC*, 286 Mich App at 459.

The trial court did not clearly err in finding that termination of respondent's parental rights was proper pursuant to MCL 712A.19b(3)(a)(ii). Termination is proper under MCL 712A.19b(3)(a)(ii) when "[t]he child's parent has deserted the child for 91 or more days and has not sought custody of the child during that period." This Court has previously held that termination was proper under MCL 712A.19b(3)(a)(ii) where the parent had not seen the minor child or provided him with financial support for a period of time that exceeded 91 days. *In re Mayfield*, 198 Mich App 226, 230, 235; 497 NW2d 578 (1993).

Here, petitioners were granted a guardianship over the minor child. The minor child began living with petitioners in January 2009 when she was four months old. Respondent did not contact petitioners or visit the minor child until December 2009. The visit only lasted for a few hours. After December 2009, respondent did not contact petitioners again until she was about to be released from jail and needed a place to live. Respondent thereafter moved into petitioners' home in January 2012, but she chose to move out two weeks later. During the brief

period of time that respondent lived in the same home as the minor child, respondent had little contact with her. At the time of the July 2013 termination, respondent had not seen the minor child since sometime in January 2012. While respondent argues on appeal that she was unable to have meaningful contact with the minor child because respondent was incarcerated for extended periods of time between January 2009 and the time of termination, the record establishes that respondent was able to contact petitioners by telephone when she needed to do so during the times that she was incarcerated. Further, when she did contact petitioners, it was generally to request their assistance and was not focused on issues regarding the minor child. Moreover, the record establishes that respondent failed to consistently visit and contact the minor child during the periods of time that she was free from incarceration. Respondent also never sought parenting time or custody through the trial court. Nor did she provide financial support during the 4-1/2 years that the minor child was in the care of petitioners. The trial court's finding that termination of respondent's parental rights was proper pursuant to MCL 712A.19b(3)(a)(ii) does not leave us with a definite and firm conviction that a mistake has been made. *In re HRC*, 286 Mich App at 459. Because we have concluded that at least one ground for termination existed, we need not consider the additional grounds upon which the trial court based its decision. *Id.* at 461.

In reaching this conclusion, we note respondent's argument that the Department of Human Services failed to make reasonable efforts toward reunification. The record establishes that the minor child's guardians, whom the minor child had consistently been in the care and custody of for more than four years, filed the petition requesting termination of respondent's parental rights. Because DHS was not a party to the action below, respondent's argument related to DHS failing to make reasonable efforts toward reunification is unsupported by the record.

Respondent also makes a cursory argument that it was not in the minor child's best interests to terminate her parental rights. Because respondent fails to explain or rationalize this argument, it is abandoned. *Houghton ex rel Johnson v Keller*, 256 Mich App 336, 339-340; 662 NW2d 854 (2003). Moreover, to the extent that we have considered the argument, we find that it is unsupported by the record.

Affirmed.

/s/ David H. Sawyer
/s/ Stephen L. Borrello
/s/ Jane M. Beckering